

REMARKS/ARGUMENTS

The claims have been amended in several respects. Claims 24, 34, 40, 41, and 44 have been amended to add the subject matter of cancelled Claim 25. Claims 29 and 35 have been amended to change their dependency. Claim 39 has been amended to make it an independent claim since the Examiner has indicated that the original Claim 39 (dependent upon original Claim 24) was allowable. Claims 40-43 have also been amended to add some clarifying language to the various steps. No new matter is presented with these amendments.

Rejections Under 35 U.S.C. §112(2)

Claim 29 has been objected to and rejected as being in improper dependent form and lacking antecedent basis for “radiation-sensitive element”. This problem has been overcome by changing the dependency of Claim 29 to Claim 27.

Claims 40-43 have also been rejected as being indefinite for lacking a definition of applying the coating and drying steps. All of these claims have been amended to provide the desired clarifying language.

These amendments should overcome the Section 112(2) rejections.

Rejections Under 35 U.S.C. §102(b)

Claims 24, 26-28, 34, 36-38, 40, and 44 have been rejected as anticipated by GB 2,198,736 (Haubold et al.). This rejection is respectfully traversed. The rejection is overcome by the addition of the subject matter of cancelled Claim 25 to Claims 24, 34, 40, and 44.

Claims 24, 26, 29, 37, 38, 40, and 44 have been rejected as anticipated by JP 2001-222101 (Akira et al.). This rejection is also respectfully traversed and is overcome by the addition of the subject matter of cancelled Claim 25 to Claims 24, 40, and 44.

Claims 24, 26, 28, 37, 38, 40, and 44 have also been rejected as anticipated by EP 1,091,247 (Kunita). This rejection is also respectfully traversed and is overcome by the addition of the subject matter of cancelled Claim 25 to Claims 24, 40, and 44.

Lastly, Claim 41 has been rejected as anticipated by WO 96,34314 (Bi et al.). This rejection is respectfully traversed and is overcome by the addition of the subject matter of cancelled Claim 25 to Claim 41.

Rejection Under 35 U.S.C. §103(a)

Claims 24-26, 28, 38, and 40 have been rejected as unpatentable over the teaching in Bi et al. This rejection is respectfully traversed.

The Office Action argues that Bi et al. teaches a species of the claimed invention without a working example relating to the use of a phosphate. It is also argued that on page 19, Bi et al. discloses a polymer with an inhibitor and “Y” group on the polymer wherein “Y” can be a “photophate” (phosphate?) to make up the free radical quencher polymer that is disclosed as being part of the microcapsules in the photosensitive layer set forth in Example 1 of Bi et al. The Office Action then concludes by arguing that the use of phosphate quencher polymers on a hydrophilic substrate to form lithographic printing plates would be obvious from Bi et al.

Applicants respectfully disagree with the arguments in the Office Action. Pages 18 and 19 clearly show the two locations of the polymer that might contain a phosphate “Y” group (that is the polymeric quencher). FIG. 1 shows a lithographic printing plate with plate layer 21 that includes plate substrate 24 and photoresist layer 22 (this would be the radiation-sensitive coating). Over this plate layer is coated microcapsule layer 11 and an overcoat 100. In this instance, the polymeric quencher is located in the overcoat (see lines 22-26 of page 18). Thus, it is not in the radiation-sensitive coating.

On page 19 (lines 14-18), another embodiment is described in which the overcoat layer 100 is omitted. In this instance, the polymeric quencher is present in the microcapsule layer 11 as part of the binder matrix 18. Again, the polymeric quencher is not in the radiation-sensitive coating (that is, the photoresist layer 22). It is in the layer above it.

Example 1 of Bi et al. illustrates the second embodiment in which the polymeric quencher is in the microcapsule layer (no overcoat) as described on pages 33 (lines 19-22) and 34 (10-15). Clearly, the polymeric quencher is not in the photoresist formulation or layer.

From this teaching, there is no suggestion or motivation to include a polymeric quencher with the “Y” group in the radiation-sensitive coating. There is no reason to move it out of the overcoat or the microcapsule layer since it is placed in those locations for the purpose described in the reference. Moreover, the teaching in Claim 2 would effectively teach away from putting such a polymer in the radiation-sensitive layer because the polymer is said to be “incompatible” with the radiation-sensitive components. Yet, Applicants are requiring that their stabilizer polymer be located in the radiation-sensitive composition for the express purpose of absorbing to the interface between that composition and the hydrophilic substrate. Thus, both the purposes and locations of the noted polymers (stabilizer vs. polymeric quencher) in the presently claimed invention and in Bi et al. are different and incompatible.

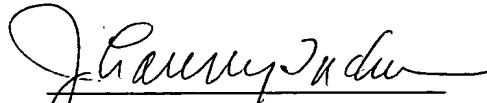
Therefore, the overall teaching in Bi et al. is not suggestive of Applicants’ claimed invention whereby the stabilizer recited in the present claims is located in the radiation-sensitive composition and layer.

For these reasons, the unpatentability rejection should be withdrawn.

Two references are cited in paragraph 12 (pages 5-6) of the Office Action as being “made of record” as “pertinent to applicant’s disclosure”. Applicants do not consider these references to be relevant to any part of the present application and they are not being considered any further in this response. However, it is understood that since they are being listed on the Form PTO-892, they will be listed on the face of Applicants’ granted patent as having been properly considered.

In view of the foregoing amendments and remarks, reconsideration of this patent application is respectfully requested. A prompt and favorable action by the examiner is earnestly solicited.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "J. Lanny Tucker", written over a horizontal line.

Attorney for Applicant(s)
Registration No. 27,678

J. Lanny Tucker/s-p
Rochester, NY 14650
Telephone: (585) 722-9332
Facsimile: (585) 477-1148

If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.